

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-A-1305-MA-2017
Date of Decision:03.12.2019**

Mehtab Singh

...Appellant

Versus

Sumit Kumar Dhall

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.I.S.Pabla, Advocate for the appellant.
Mr.K.S.Banyana, Advocate for the respondent

ANIL KSHETARPAL, J.

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Judicial Magistrate 1st Class, Kurukshetra, dismissing the complaint under Section 138 of the Negotiable Instrument Act, 1881.

On dishonour of two cheques of even date, amounting to Rs.5,00,000/-, a criminal complaint was instituted. The accused took a defence that the aforesaid blank cheques were given as a security for starting joint business.

The learned Magistrate, after appreciating the evidence, has found that the statement of the complainant-appellant is full of contradictions. The complainant when appeared on 30.05.2016 made a statement that Rs.2,00,000/- was given as loan on 20.3.2014, whereas remaining amount of Rs.3,00,000/- was handed over one month thereafter. However, when recalled for further cross-examination, he stated that Rs.3,00,000/- was given on 04.04.2015 and Rs.2,00,000/- was given on 09.05.2015. Further in the statement dated 30.05.2016, the appellant

deposed that the accused came alone to take friendly loan, however, when recalled for cross-examination, he stated that the respondent came along with his father to take loan.

Still further on careful reading of the statement of the complainant-appellant, it is apparent that he is in business of money lending. He has stated that whenever accused required money, they used to take loan and return the same with interest @ 2% per month. However, no document has been produced to prove that the amount as alleged was given as loan. Still further, income tax returns have not been produced to prove that the alleged loan amount was reflected in the income tax returns.

The learned Judicial Magistrate, on appreciation of evidence, has drawn a reasonable and probable conclusion on appreciation of evidence. The aforesaid conclusion is not shown to be result of any substantive error or perversity. Hence, no ground to grant leave to appeal is made out.

Dismissed.

03.12.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No